

McKool Smith

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April 30, 2025

By ECF

The Honorable Gabriel W. Gorenstein
United States Magistrate Judge
Southern District of New York
500 Pearl Street, Courtroom 6B
New York, New York 10007-1312

MEMORANDUM ENDORSED

Re: Marc Restellini v. The Wildenstein Plattner Institute, Inc. et al
20 Civ. 4388 (AT) (GWG)

Dear Judge Gorenstein:

We write on behalf of Plaintiff Marc Restellini.

The parties have previously provided various updates regarding their settlement discussions and the Court initially stayed and then continued the stay of various litigation-related deadlines. The most recent stay expires on April 30, 2025. *See* ECF No. 177, 179, 181, 183, 185, 187, 189, 191, 193, 195, 197.

Over the past months, the parties have expended significant resources to resolve this litigation and are very close to doing so. They have attended multiple all-day mediation sessions and exchanged at least a dozen drafts of a settlement agreement. At this point, the parties are working closely and productively with a mediator and have reached agreement on all major terms.

The Court will recall that the materials at issue in this litigation consist of a large repository of paper and electronic documents, which are divisible into several categories. Documenting the manner in which those materials will be treated going forward in the settlement agreement has made the resolution of the parties' dispute, and reducing this resolution to writing, complicated and time-consuming.

Based on the foregoing, Restellini requests that the Court continue the stay until May 21, 2025, to permit the parties to finalize their settlement agreement. In his last letter to the Court, Restellini indicated that he did not anticipate any further extensions, *see* ECF No. 196. However, over the last several weeks, the mediator fell ill, which slowed progress of the settlement discussions considerably. The mediator has now made a proposal for resolution of the text of the settlement agreement. The parties have engaged with the mediator regarding his proposal and are presently working towards finalizing the settlement agreement text. The mediator has indicated that he expects to provide a further proposal to the parties today or soon after today.

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During these late stages of settlement discussions, counsel for Defendants have indicated that they wish to communicate through the mediator, and not with counsel for Plaintiffs directly. We nevertheless sought, but were unable to obtain, Defendants' permission to file this letter jointly. Defendants indicated that they would agree to a one-week extension. However, the mediator has indicated that he intends to circulate a further settlement proposal to the parties today or soon after today, and as a result, Restellini expects limited additional discussions towards finalizing the agreement, and therefore submits that a three week extension is appropriate.

Respectfully submitted,

McKool Smith P.C.

/s/ Daniel W. Levy

By: Daniel W. Levy

Extension of the stay of deadlines
through and including May 14, 2025,
is granted. The parties shall report on
the status of settlement by letter filed
on or before May 14, 2025.

So Ordered.



GABRIEL W. GORENSTEIN
United States Magistrate Judge

May 1, 2025